

## EXECUTIVE SUMMARY

### **I. General**

The aim of the Comprehensive Proposal for the Kosovo Status Settlement is to define the provisions necessary for a future Kosovo that is viable, sustainable and stable. It includes detailed measures to ensure the promotion and protection of the rights of communities and their members, the effective decentralization of government, and the preservation and protection of cultural and religious heritage. In addition, the Settlement prescribes constitutional, economic and security provisions, all of which are aimed at contributing to the development of a multi-ethnic, democratic and prosperous Kosovo. An important element of the Settlement is the mandate provided for a future international civilian and military presence in Kosovo, to supervise implementation of the Settlement and assist the competent Kosovo authorities in ensuring peace and stability throughout Kosovo. The provisions of the Settlement will take precedence over all other legal provisions in Kosovo.

### **II. Provisions of the Settlement**

The Settlement consists of a main body with fourteen articles that form its key principles, and twelve Annexes which elaborate upon these principles:

- Kosovo shall be a **multi-ethnic society**, governing itself **democratically** and with full respect for the **rule of law**, the highest level of internationally recognized **human rights and fundamental freedoms**, and which promotes the peaceful and prosperous existence of all its inhabitants.
- Kosovo shall adopt a [Constitution](#) to enshrine such principles. While the Settlement does not prescribe a complete Constitution, it defines key elements that must form part of the Constitution.
- Kosovo shall have the right to negotiate and conclude **international agreements**, including the right to seek membership in **international organizations**.
- The [protection and promotion of the rights of members of communities](#) is a central element of the Settlement. The Settlement addresses key aspects to be protected, including culture, language, education, and symbols. It also provides for specific representation mechanisms for Kosovo non-Albanian community members in key public institutions to safeguard and encourage their effective and active participation in public life. To protect the rights of Kosovo non-Albanian communities in the legislative process, the Settlement also provides that certain, enumerated laws may only be enacted if a majority of the Kosovo non-Albanian members of the Kosovo Assembly agree to their adoption.
- The Settlement provides a wide-ranging [decentralization](#) proposal, which is extensive in scope and intended **to promote good governance, transparency and effectiveness in public service**. The proposal focuses in particular on the specific needs and concerns of the Kosovo Serb community, which will have a high degree of control over its own affairs. The decentralization elements include,

*inter alia*, new municipal competencies for Kosovo Serb majority municipalities (such as in the areas of secondary health care and higher education); extensive municipal autonomy in financial matters, including the ability to accept transparent funding from Serbia for a broad range of municipal activities and purposes; provisions on inter-municipal partnerships and cross-boundary cooperation with Serbian institutions; and the establishment of six new or significantly expanded Kosovo Serb majority municipalities (Gracanica, Novo Brdo, Klokott, Ranilug, Partes, Mitrovica-North).

- The Settlement also provides for a **justice system** in Kosovo that is **integrated, independent, professional and impartial**, ensuring access of all persons in Kosovo to justice. It also provides for mechanisms to ensure that the justice system is **inclusive**, and that its judiciary and prosecution service reflect the **multiethnic character** of Kosovo.
- The provisions on the **protection and promotion of religious and cultural heritage** will ensure the unfettered and undisturbed existence and operation of the Serbian Orthodox Church (SOC) in Kosovo. More than forty key religious and cultural sites will be surrounded by Protective Zones to prevent any disruptive commercial and industrial development or construction, and to preserve the cultural dignity of such sites. The Settlement also mandates additional physical security for selected sites. The SOC and its internal organization will be explicitly recognized by the Kosovo authorities, and will be granted inviolability of its property, freedom from taxation and customs duty privileges. The SOC in Kosovo will be also be free to maintain links with the SOC in Belgrade.
- All **refugees and internally displaced persons** from Kosovo will have the right to return and reclaim their property and personal possessions. The Settlement also calls upon Kosovo and Serbia to cooperate fully with the International Commission of the Red Cross to resolve the fate of **missing persons**.
- The Settlement includes specific provisions designed to promote and safeguard **sustainable economic development** in Kosovo. It prescribes transparent procedures to settle disputed property claims and for a continued privatization process, both with substantial international involvement. In addition, the Settlement defines mechanisms to determine Kosovo's share of Serbia's external debt, and to address the issue of property restitution.
- The Settlement also provides for a **professional, multi-ethnic, and democratic Kosovo security sector**, encouraging significant local ownership in its development while retaining a level of international oversight necessary for ultimate success in this sensitive area. The Kosovo Police Force will have a unified chain of command throughout Kosovo, with local police officers reflecting the ethnic composition of the municipality in which they serve. In Kosovo Serb majority municipalities, the Municipal Assembly will have enhanced competencies in the selection of the local Station Commander. A new professional and multi-ethnic Kosovo Security Force (KSF) will be established within one year.. It will have a maximum of 2,500 active members and 800 reserve members. The Settlement stipulates that the current Kosovo Protection Corps (KPC) will be disbanded within one year.

- Recognizing that fulfilling Kosovo’s responsibilities under the Settlement will require a wide range of complex and difficult activities, the Settlement provides for a [future international presence](#) to supervise and support the relevant efforts of Kosovo’s authorities. This presence consists of three principle components:
  - An [International Civilian Representative \(ICR\)](#), double-hatted as the EU Special Representative, will be appointed by an International Steering Group (ISG) comprising key international stakeholders. The ICR will have ultimate supervisory authority over the implementation of the Settlement. The ICR will have specific powers conferred upon him/her to allow him to take the actions necessary to oversee and ensure successful implementation of the Settlement. These include the authority to annul decisions or laws adopted by Kosovo authorities and sanction or remove public officials whose actions are determined by the ICR to be inconsistent with the letter or spirit of the Settlement. The ICR will also be the final authority in Kosovo regarding the civilian aspects of the Settlement.
  - A [European Security and Defence Policy \(ESDP\) Mission](#) will monitor, mentor and advise on all areas related to the rule of law. Specifically, it will assist Kosovo in the development of efficient, fair and representative police, judicial, customs and penal institutions, and have the authority to assume other responsibilities to ensure the maintenance and promotion of the rule of law, public order and security.
  - An NATO-led [International Military Presence](#) will provide a safe and secure environment throughout Kosovo, in conjunction with the ICR and in support of Kosovo’s institutions until such time as those institutions are capable of assuming the full-range of security responsibilities.
- The **OSCE**, with an extensive field presence in Kosovo, will be requested to assist in the monitoring necessary for successful implementation of the Settlement.

### **III. Implementation of the Settlement**

- Upon the entry into force of the Settlement, there will be a **120 day [transition period](#)**, during which UNMIK’s existing mandate will remain unchanged. To ensure immediate supervision over implementation of the Settlement by Kosovo, however, the ICR will possess the authority to monitor such implementation and make recommendations to UNMIK on actions to be taken to ensure compliance.
- During the transition period, the Kosovo Assembly, in consultation with the ICR, will be responsible for **approving a Constitution and the legislation necessary for the implementation of the Settlement**. The new Constitution and legislation will become effective immediately upon the conclusion of the transition period.
- At the end of the transition period, UNMIK’s mandate will expire and **all legislative and executive authority** vested in UNMIK will be **transferred en bloc to the authorities of Kosovo**, in accordance with the Settlement.
- Within nine months of the entry into force of the Settlement, **general and local elections** are to be held.

- The mandate of the ICR will continue **until the ISG determines that Kosovo has implemented** the terms of the Settlement.